

Serial No.: 09/732,252
Attorney Docket No.: AUS9-2000-0931-US1

REMARKS

In response to the Office Action dated May 10, 2004, claims 1, 2, 5, 10, 12, 17 and 20 have been amended. Claims 1-20 are in the case. The Applicants respectfully request reexamination and reconsideration of the present application.

Record is made of a telephonic conversation between Applicants' attorney Edmond A. DeFrank and Examiner E. Tran on August 10, 2004. The Office Action of May 10, 2004, the cited references and the pending claims were briefly discussed. A proposed amendment modifying the independent claims was discussed during the interview. Although no agreement was reached, the above amendments to the claims reflect the discussion between the Examiner and the Applicants' attorney during the conversation.

Per the May 10, 2004 Office Action, claims 1-20 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Helle (U.S. Patent No. 6,662,023) in view of Elledge (U.S. Patent No. 6,609,656). In response, Applicants have amended the independent claims 1, 10 and 17. Applicants respectfully request consideration of the newly amended claims.

The Applicants respectfully submit that the combined references do not disclose, teach, or suggest all of the claimed features in independent claims 1, 10 and 17. For example, the Helle reference discloses using the Short Messaging System (SMS) for "...controlling and securing mobile phones that are lost, stolen or misused..." and the Elledge reference discloses a system for "...identifying lost or stolen devices..."

However, with regard to claims 1 and 17, the combined references fail to disclose or teach "...an Internet communications device configured to trace the electronic device if an attempt is made to improperly access secure data and initiate Internet services on the electronic device..." In addition, with regard to claim 10, the combined references fail to disclose or teach "...tracing the electronic device with an Internet communications device if an attempt is made to improperly access secure data and initiate Internet services on the electronic device..." Further, the combined

references fail to disclose, teach or suggest the storing lost or stolen history activity of the electronic device, as described in amended claims 5, 12 and 20.

Moreover, although Elledge discloses using a central database, Elledge requires the use of a radio frequency identification device (RFID) reader in communication with an RF transmitter in order to determine whether the device is lost or stolen (col. 2, lines 26-43; col. 3, lines 65-67; col. 4, lines 15, 29; and FIG. 2), which is very different from the Applicant's claimed invention which uses "...an Internet communications device configured to trace the electronic device if an attempt is made to improperly access secure data and initiate Internet services on the electronic device." Because Elledge requires and relies on RFID devices to track lost or stolen electronic devices, it cannot operate correctly to track these electronic devices with only an Internet connection, like the Applicant's claimed invention. Consequently, it cannot be used to modify another reference since it teaches away from the Applicant's claimed invention.

Hence, since neither of the cited references discloses all of the elements of the Applicants' claimed invention, and because Elledge cannot be combined with Helle, the references cannot render the Applicant's invention obvious. This failure of the cited references to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness (MPEP 2143). As such, the Applicants' respectfully submit that the rejections under 35 U.S.C. 103 should be withdrawn.

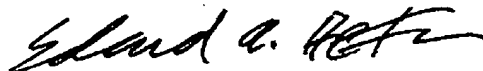
With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

In view of the arguments and amendments set forth above, the Applicant respectfully submits that the claims of the subject application are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the outstanding claim rejections and to pass this application to issue. Additionally, in an

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effort to expedite and further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (818) 885-1575.

Respectfully submitted,
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Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicants
(818) 885-1575 TEL
(818) 885-5750 FAX